

to adding a heading entitled "Brief Description of the Drawings," descriptions of Figures 1-6 have also been provided.

The Examiner has stated that the country of the patents cited in line 10 page 1 of the specification should be provided. Page 1 has accordingly been amended to indicate that the patents in line 10 of page 1 were filed in Italy. In addition, in response to the Examiner's request, the Applicant wishes to notify the Examiner that Italian Patent Application No. 92A000012 has matured into Italian Patent No. 01257010, issued on January 5, 1996.

In paragraph 4 of the Office action, the Examiner states that Claims 1-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that the term "characterized in that" renders each claim indefinite since it is unclear as to what "characterize" includes or excludes. The Examiner suggests use of the word "wherein" instead. The term "characterized in that" has therefore been removed from the claims and replaced with the word "wherein." Also, the Examiner indicates that Claim 1 is indefinite because of the expressions "or" and "and/or". The Examiner also points out several other expressions such as "appropriate for" in lines 5-6, "molding" in line 15, "the same" in lines 16 and 18 and "and/or" in line 22 that render Claim 1 confusing. Thus, per the Examiner's suggestion, Claim 1 has been totally rewritten. It also now incorporates Claim 2, which has been canceled. In addition, all subsequent claims have been carefully amended to provide appropriate antecedent basis, structural interrelationships and cooperating functions of the recited elements in each claim. In particular, Claims 3 and 4 have been amended to eliminate the indefinite expressions "plate-like" and "plate-shaped" respectively. The typographical errors of Claim 4 have been corrected. Claim 9 now depends from Claim 6 rather than Claim 5 and is therefore no longer indefinite. Claim 21 now depends from Claim 20 rather than itself. In Claim 22, the expression "or else" has been eliminated. The expression "a respective dummy receiving seat" has been eliminated in Claim 23. In Claim 24, "push road" has been corrected to "push rod".

In addition to the objections noted above, the Examiner has rejected claims 1-2, 5-9 and 16 under 35 U.S.C. 102(e) as being anticipated by Padovani, U.S. Patent No. 5,453,237. The Examiner is reminded of a phone conversation between the Examiner and the Applicant's attorney on January 21, 1998, wherein the Examiner admitted that rejection under 35 U.S.C. 102(e) was improper in light of the fact that the prior art cited, US 5,453,237, Padovani, was art by the same Applicant. The Examiner did assert that even if rejection under 35 U.S.C. 102(e) was improper, a proper rejection could be made under 35 U.S.C. 102(b) because the Padovani '237 patent corresponds to a UK patent filed in April 1993, UK 2263660. If the UK patent is the proper patent upon which to base a rejection, the Applicant respectfully requests the Examiner to cite that patent in an Office action. Nonetheless, the Applicant feels that the present invention is patentably distinct over the US patent cited and the UK patent and argues as much in the following.

The present application claims features not found in the Padovani '237 patent. In particular, the present application in Claim 2 claims pick-up heads that are "arranged to be sequentially inserted between each female die (12) and counter-die (13)." This is important because sequential insertion of the pick-up heads allows for an efficient thermoforming process. It is also a patentably distinct feature over the Padovani '237 patent. The Padovani '237 pick-up heads move in a back and forth, alternating fashion. They do not (nor can they) be sequentially inserted between each female die and counter-die. If the Examiner believes otherwise, he is invited to point out the location in the Padovani '237 patent that discloses pick-up heads that are arranged to be sequentially inserted between each female die and counter-die. The sequential insertion of the pick-up means of the present application is a novel aspect of the invention, and thus renders the invention patentably distinct over the Padovani '237 patent.

Moreover, Claims 5-9 of the present application claim a chain conveyor extending along the respective die (12) or counter-die (13) so as to convey a sequence of extraction plates therebetween. This is not disclosed in the Padovani '237 patent. The Examiner has apparently

not realized that the stepwise conveyor disclosed in the Padovani '237 patent extends outside and relatively far away from the female mold and the fixed die. US Patent No. 5,453,237, Padovani, Column 10, lines 62-67. Additionally, the plates or formers of the Padovani '237 patent have no extraction function with regard to the thermoformed objects. The latter are merely deposited from above in the plates or former by the pick-up heads. US Patent No. 5,453,237, Padovani, Column 10, lines 57-61. In the present application, extraction plates for extracting a thermoformed object is specifically claimed in Claims 6 and 7. The chain conveyor extending along the respective die or counter-die and the extraction plates for extracting a thermoformed object of the present application are novel aspects of the invention, and they render the invention patentably distinct over the Padovani '237 patent.

The Examiner has also rejected Claims 10, 11, 14 and 22 under 35 U.S.C. §103(a) as being unpatentable over the Padovani '237 patent when viewed in light of the US Patent No. 5,118,277, Padovani. As stated above, however, it is believed that the present invention overcomes the rejections made by the Examiner under 35 U.S.C §102(e) based on the Padovani '237 patent. Consequently, Claims 10, 11, 14 and 22, which all depend from claims that are patentably distinct over the Padovani '237 patent are also allowable.

The Examiner also rejects Claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over the Padovani '237 patent when viewed in light of US Patent No. 5,118,277, Padovani and US Patent No. 3,966,386, Beyer-Olsen et al. As before, Claims 3 and 4 depend from claims which are believed to be patentably distinct over the prior art. Claims 3 and 4 cannot, therefore, be obvious over the prior art.

The objections to the drawings will be attended to upon receipt of a Notice of Allowance for this application.

The Applicant gratefully acknowledges the allowable subject matter as noted by the Examiner in Claims 12, 13, 15, 17, 18, 19, 20, 21, 23 and 24 if rewritten to overcome the rejections under 35 U.S.C. §112 as discussed above.

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Group Art Unit: 1305

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In view of the foregoing, favorable reconsideration of the application is respectfully requested. It is submitted that the claims of record are in condition for allowance.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415 and, in particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. 1.136 (A) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

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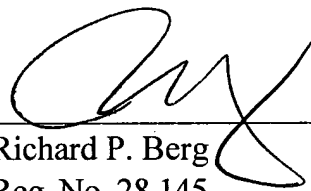
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Respectfully submitted,



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